IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO.3679/2007
(Rakesh Intt Udyog & Ors. Vs. State & Ors.)

Date of Judgment : 13.08.2007

P R E S E N T

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Rakesh Kumar, for the petitioner.
Mrs. R.R. Kanwar, for respondent State.
Mr. Anil Bhansali on behalf of
Mr. N.M. Lodha, AAG for respondents No.3 to 7.

The controversy involved in the present writ petition has already decided by this Court in SB Civil Writ Petitions No.1672/2007 and 3519/2007 decided on 8.8.2007 wherein it has been held as follows :

> "Therefore, in the interest of justice, these writ petitions are disposed of with a direction tot he petitioners to file detailed reply to the impugned notices before the authority concerned who issued the notices raising all the pleas and grounds, within a period of one month from today. It is also expected of the Commissioner, Commercial Taxes Department to consider the recommendations made by the Rajasthan Khadi &

Gramodyog Board, Jaipur. Upon filing the reply, the authority who has issued the notices to the petitioner units may decide the case for exemption under notification dated 27.3.1995 by a speaking order, within two months thereafter. It is desirable that before final decision is taken in the matter, the Commissioner Commercial Taxes Department shall consider and decide the question of recommendation Annex.-P/12 dated 15.6.2003 sent by the Secretary, Rajasthan Khadi Gramodyog Board, Jaipur to the Commissioner, Commercial Taxes Department with regard to granting exemption from tax to these institutions and, thereafter, the mater of individual petitioners may be decided as per their reply filed in pursuance of the notices issued to them.

Till the final decision is taken by the authority concerned, the stay order granted by this Court shall continue and no coercive action shall be taken against the petitioner institutions."

Accordingly, this writ petition is also disposed of in terms of the judgment dated 8.8.2007 passed in SB Civil Writ Petitions No.1672/2007 and 3519/2007.

(GOPAL KRISHAN VYAS), J.

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